

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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STEVE SHELTON

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Plaintiff,

\*

v.

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2:07-CV-981-MHT

DILLARD'S DEPT. STORE, *et al.*,

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Defendants.

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**ORDER**

Plaintiff filed this 42 U.S.C. § 1983 action on November 1, 2007. At the time he filed this complaint, Plaintiff was incarcerated at the Montgomery County Detention Facility located in Montgomery, Alabama. On November 26, 2007 the court entered an order which instructed Plaintiff, among other things, to inform the court of any change in his address. (*Doc. No. 9.*) On January 18, 2008 the envelope containing Plaintiff's copy of an order filed January 10, 2008 was returned to the court marked "Return to Sender; Undeliverable as Addressed, Unable to Forward," because Plaintiff was no longer at the address he had provided to the court when he initiated this action.

All parties have an affirmative duty to inform this court of any change of address during the pendency of their actions. Plaintiff was provided notice of this requirement in the court's November 26, 2007 order of procedure. (*Doc. No. 9.*) Upon review of the pleadings filed in the instant matter, it is clear that the court file does not contain an alternate

address for Plaintiff and that he has not provided this court with a current address since the inception of filing the instant complaint. Accordingly, the court concludes that Plaintiff shall be granted an opportunity to show cause why his complaint should not be dismissed for his failure to keep the court informed of his current address.

Accordingly, it is ORDERED that:

1. On or before January 31, 2008 Plaintiff shall SHOW CAUSE why his complaint should not be dismissed for his failure to provide the court with his current address as directed by the court's November 26, 2007 order of procedure. Plaintiff is cautioned that his failure to comply with this order will result in a Recommendation that his complaint be dismissed without prejudice;

2. The directive that Defendant file a supplemental written report to Plaintiff's complaint be held in ABEYANCE pending Plaintiff's response to the instant order; and

3. The Clerk SEND a copy of this order to Plaintiff at his last known mailing address.

Done, this 22<sup>nd</sup> day of January 2008.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE